

## **REMARKS**

### **I. Summary of the Office Action**

In its correspondence mailed February 20, 2009, the Office rejected Claims 16-23, 25-28, 43-45 and 47 under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. The Office also objected to Claims 16-21 under 37 C.F.R. § 175(d)(1) and M.P.E.P. § 608.01(o) for failing to provide a proper antecedent basis for the claimed subject matter. Finally, the Office has suggested that the limitation “of total phosphate present” be added to Claim 44 after the word “weight.”

### **II. Amendment**

Claims 43 and 44 are currently pending and have been amended. Applicant submits that all amendments made herein were done solely to advance prosecution and are not to be construed as an acknowledgement of the propriety of the Office’s rejection.

### **III. The Rejection Under 35 U.S.C. § 112 Should Be Withdrawn**

The Office rejected Claims 16-23, 25-28, 43-45 and 47 under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. The Office suggested that Claim 43 be amended to read “at least one additional metal.” Claim 43 has been amended accordingly. Therefore, the Applicant respectfully requests this rejection be withdrawn.

### **III. The Objection Under 37 C.F.R. §175(d)(1) and M.P.E.P §608.01(o) Should Be Withdrawn**

The Office also objected to Claims 16-21 under 37 C.F.R. § 175(d)(1) and M.P.E.P. § 608.01(o) for failing to provide a proper antecedent basis for the claimed subject matter. Specifically, the Office asserted that the limitations drawn to “M” were not supported in the specification. Applicant has amended its specification to include support for the limitations set forth in Claims 16-21. Support for the amendment can be found in the Preliminary Amendment

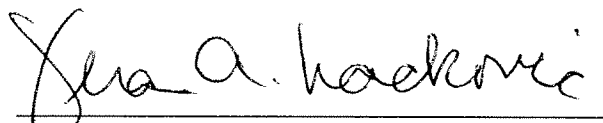
filed on July 10, 2003 along with this Application. Therefore, the Applicant respectfully requests this objection be withdrawn.

**IV. Other Matters**

The Office suggested that the limitation “of total phosphate present” be added to Claim 44 after the word “weight.” Applicant has amended its claim in accordance with the suggestion put forth by the Office.

Based on the foregoing, the instant application is believed to be in condition for allowance. Early and favorable consideration of this application is respectfully requested.

Respectfully submitted,

  
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